



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Selectmen's Meeting Minutes

Monday October 1, 2007

6:00 P.M.

Town Offices

Members present: Selectman Jay Booth, Selectwoman Jacqueline Schnackert, Selectwoman Karyn Puleo, Selectman Kevin O'Connor, and Selectman Rich Lemoine

Staff Present: Town Administrator Rosemary Cashman and
Admin Assistant Therese Gay

The Chair called the meeting to order. The Board and staff were introduced and the Clerk read this evening's agenda.

The Finance Committee was in attendance.

Members present were: John Griffin, Kenneth Times, Colleen Gabriel, Rob Mullin and Fred Perrault. The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to call the meeting to order. The Board was introduced.

The Selectmen and Finance Committee meet jointly to review the articles and to make the recommendations for Town Meeting.

1. Special Town Meeting - Review Warrant Articles

6:05 P.M. Sewer Department – Article 9

The Board invited the Sewer Commissioners to the meeting to discuss their request for monies to be transferred from accounts within their budget. Commissioners Hannaford and Foley were in attendance. Commissioner Hannaford explained their capital project, the Willowdale Pump Station rehab. The bids came in higher than they expected and will require an additional \$175,000. The total cost of the project could be in excess of \$400,000, and the Commissioners will do preliminary work to try to lower the cost. The Board thanked the Commissioners for coming in and for the update on the project.

6:15 P.M. School Committee – Articles 6, 7, and 8

The Board invited the School Committee members to the meeting to discuss their articles requesting additional monies. The School Committee members present: Bill Downing, Diana Koehane, Burt Buchman, Martina Witt, Barry Dick and Collin Manzo, the Committee voted unanimously to call their meeting to order on a motion by Member Downing, second by Member Koehane. The School Committee Chair explained the article for \$67,781 is designed to balance the budget. The budget preparation for the annual town meeting needed to be pared down and the technology line item was reduced with the knowledge that the monies would be put back in during special town meeting. The money is to be used for a new technology director and staff. The Committee will be discussing the \$25,000 for a Superintendent search

at their meeting on Tuesday, October 2, and will let the board know what the decision will be. As for the Medicaid Reimbursement article \$118,632 request, this year the Department of Revenue has changed the way this reimbursement will be posted. It will be in the general fund and the School will need to identify the amount in their budget. The School is aware that this is a one time request for this amount. After discussions the Board thanked the School for coming in. The Committee motioned and second to adjourn.

2. Selectmen and Finance Committee Warrant Article Recommendations

See the attached warrant for the Board's and Committee's vote and their recommendations.

3. Citizen's Time

Mr. Fred Perrault questioned the purchase of the Shur Fine Market property and questioned why the liquor license was not a part of the sale. The Chair explained that the town bought the property and the building not the business assets. The Chair urged Mr. Perrault to speak to the CPC Chairman for more information.

4. Correspondence

The Board voted unanimously on a motion by Selectman O'Connor, second by Selectwoman Puleo to accept this evening's correspondence as read.

5. Selectmen's Notes

There were no Selectmen's notes this evening.

6. Town Administrator's Notes

There were no Town Administrator's notes this evening.

7. Other Business (if necessary)

There was no other business this evening.

8. Executive Session (If Necessary)

On a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to enter into Executive Session for the purpose of discussing collective bargaining and personnel, and at the conclusion of the Executive Session to enter into a Work Session to adjourn.

Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackert, yes; Selectwoman Karyn Puleo, yes; Selectman Kevin O'Connor, yes; and Selectman Rich Lemoine, yes.

A sub-committee negotiated a three year contract with the Town Administrator. After the review and a brief discussion the Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to approve the Town Administrator's contract.

Selectman O'Connor recused himself from the meeting due to a conflict of interest.

The Board discussed the raises for the non-union personnel and agreed to offer 2½ % at this time and will readdress the percentage at a later date if needed. On a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to approve a 2½ % raise for the non union employees.

On a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to exit Executive Session and to enter into a Work Session.

Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackert, yes; Selectwoman Karyn Puleo, yes; and Selectman Rich Lemoine, yes.

9. Work Session (If Necessary)

The Board had no business to address during the work session. The Board voted to adjourn.

10. Adjournment

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to adjourn the meeting.

The Board adjourned at 8:15 P.M.

Respectfully submitted,

Therese Gay

Approved on _____

The Board of Selectmen and the Finance Committee will make recommendations on articles 1-5 on town meeting floor.

Article 1. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Highway Union salary, wages, and expense accounts to fund the collective bargaining agreement with SEIU, Local 888, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee will make a recommendation on Town Meeting floor.

The Board of Selectmen will make a recommendation on Town Meeting floor.

Article 2. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Clerical Union salary, wages, and expense accounts to fund the collective bargaining agreement with SEIU, Local 888, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee will make a recommendation on Town Meeting floor.

The Board of Selectmen will make a recommendation on Town Meeting floor.

Article 3. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Mid-Management Union salary, wages, and expense accounts to fund the collective bargaining agreement with SEIU, Local 888, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee will make a recommendation on Town Meeting floor.

The Board of Selectmen will make a recommendation on Town Meeting floor.

Article 4. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Police and Dispatchers Union salary, wages, and expense accounts to fund the collective bargaining agreement with NEPBA, Local 8, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee will make a recommendation on Town Meeting floor.

The Board of Selectmen will make a recommendation on Town Meeting floor.

Article 5. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to supplement various municipal government accounts for fiscal year 2008, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee will make a recommendation on Town Meeting Floor.

The Board of Selectmen will make a recommendation on Town Meeting Floor.

Article 6. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$67,781 to supplement the Tyngsborough School Budget for fiscal year 2008 to be expended by the School Committee for technology salaries and expenses, or take any other action relative thereto.

Submitted by: School Committee

The Finance Committee voted unanimously on a motion by Member Times , second by Member Gabriel to recommend approval of article 6 and that \$61,891 be raised and appropriated, and that \$5,890 be transferred from the Greater Lowell Technical High School Acct. #301-5300.

The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectman O'Connor to recommend approval of article 6.

Article 7. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$25,000 to be expended by the School Committee for conducting a search for replacing the Superintendent of Schools, or take any other action relative thereto.

Submitted by: School Committee

The Finance Committee will make a recommendation on Town Meeting Floor.

The Board of Selectmen will make a recommendation on Town Meeting Floor.

Article 8. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$118,632 to supplement the Tyngsborough School Budget for fiscal year 2008 to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto.

Submitted by: School Committee

The Finance Committee voted unanimously to recommend approval of article 8 and that \$18,632 be raised and appropriated, on a motion by Member Times and second by Member Gabriel.

The Board of Selectmen voted unanimously to recommend approval of article 8, on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz.

Article 9. To see if the Town will vote to appropriate by transfer a sum of monies from Retained Earnings to the Expense Account for FY08 in the Sewer Enterprise Fund, to be expended by the Sewer Commissioners, or take any other action relative thereto.

Submitted by: Sewer Commissioners

The Finance Committee voted unanimously to recommend approval of article 9 and that \$175,000 be transferred, on a motion by Member Times, second by Member Gabriel.

The Board of Selectmen voted unanimously to recommend approval of article 9 and that \$175,000 be transferred, on a motion by Selectwoman Puleo, second by Selectman O'Connor.

Article 10. To see if the Town will vote to rescind the borrowing authorization of \$200,000 approved under Article 6 at the Special Town Meeting on May 15, 2007, and instead appropriate by transfer from available funds a sum of \$200,000 for the purpose of paying costs of installing a holding tank, oil/water separator, drain(s), and vehicle wash system for the handling of oil, grease, and water at the Highway Garage, all costs of any necessary engineering, plans, storm water pollution prevention plans and permit applications, and for the payment of any and all other costs incidental and related thereto, all of which shall be expended at the direction of the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee took no action.

The Board of Selectmen voted unanimously to withdraw article 10 on Town Meeting floor, on a motion by Selectman O'Connor, second by Selectwoman Puleo.

Article 11. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to supplement the Stabilization Fund, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee took no action.

The Board of Selectmen voted unanimously to withdraw article 11 on Town Meeting floor, on a motion by Selectwoman Puleo, second by Selectman O'Connor.

Article 12. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to supplement the Capital Asset Stabilization Fund, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee voted unanimously to recommend approval of article 12 and that the Town appropriate by transfer the sum of \$200,000 from free cash to the Capital Asset Stabilization Fund, on a motion by Member Times, second by Member Gabriel.

The Board of Selectmen voted unanimously to recommend approval of article 12 on a motion by Selectman O'Connor, second by Selectwoman Puleo.

Article 13. To see if the Town will vote to appropriate by transfer from available funds a sum of money to be expended by the Board of Selectmen to be used to stabilize the tax rate for fiscal year 2008, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee voted unanimously to recommend approval of article 13 that the Town appropriate by transfer from Free Cash the sum of \$21,000, and further that the Town appropriate by transfer from the Sale of Real Estate Fund the sum of \$200,000 to be used as a funding source for the Town's debt service principal Acct. #710-5000-716, on a motion by Member Times, second by Member Gabriel.

The Board of Selectmen voted unanimously to recommend approval of article 13 on a motion by Selectman O'Connor, second by Selectwoman Puleo.

Article 14. To see if the Town will vote to accept a gift of land from Patrick J. and Helen M. Flaherty located at 290 Middlesex Road, Assessors Map 20, Block 39, Lot 0, and for a more particular description see deed to grantors recorded at Middlesex North District Registry of Deeds, Book 4255, Page 162, containing approximately .05 acres of land, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee takes no action on this article.

The Board of Selectmen recommends approval of article 14. (The Board voted on Monday, September 24 to recommend this article.)

Article 15. To see if the Town will vote to amend the Tyngsborough General By-Law by adding the following new article for the management of stormwater and illicit connections, obstructions, and illegal discharges to the storm sewer system, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee takes no action.

The Board of Selectmen voted unanimously to recommend approval of article 15, on a motion by Selectman O'Connor, second by Selectwoman Puleo.

Article 16. To see if the Town will vote to hear a progress report from the Economic Development Committee relative to the planning efforts underway for the Town Center and Middlesex Road, or take any other action relative thereto.

Submitted by: Board of Selectmen and Economic Development Committee

The Finance Committee takes no action.

The Board of Selectmen voted unanimously to recommend approval of article 16, on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz.

Article 17. To see if the Town will vote to appropriate from existing Community Preservation Budgeted Reserve, Historic Preservation Reserve, Affordable Housing Reserve, Unreserved Fund Balance, and/or borrow the sum of \$15,000 to be expended by the Board of Selectmen for the preparation of the Town Center Development and Preservation Plan, or take any other action relative thereto.

Submitted by: Community Preservation Committee

The Finance Committee voted unanimously to recommend approval of article 17 and to meet this appropriation the sum of \$5,000 is appropriated from the existing Community Preservation Budgeted Reserve, the sum of \$5,000 is appropriated from the Historic Preservation Reserve, and the sum of \$5,000 is appropriated from the Affordable Housing Reserve on a motion by Member Gabriel, second by Member Mullins.

The Board of Selectmen voted unanimously to recommend approval of article 17 on a motion by Selectwoman Puleo, second by Selectman O'Connor.

Article 18. To see if the Town will vote to appropriate and transfer \$26,308.11 from the Community Preservation Unreserved Fund Balance to the Community Preservation Reserve for Open Space, or take any other action relative thereto.

Submitted by: Community Preservation Committee

The Finance Committee voted unanimously to recommend approval of article 18, on a motion by Member Times, second by Member Gariel.

The Board of Selectmen voted unanimously to recommend approval of article 18 on a motion by Selectwoman Puleo, second by Selectman O'Connor.

Article 19. To see if the Town will vote to appropriate from the Community Preservation Fund Budgeted Reserve Account the sum of \$8,000 to be expended by the Board of Selectmen for the purpose of eradicating non-native weeds in Lake Mascuppic, or take any other action relative thereto.

Submitted by: Community Preservation Committee

The Finance Committee voted unanimously to recommend approval of article 19 on a motion by Member Times, second by Member Gabriel.

The Board of Selectmen voted to recommend approval of article 19 on a motion by Selectman O'Connor, second by Selectwoman Puleo.

Article 20. To see if the Town will vote to appropriate from the Community Preservation Fund Affordable Housing Reserve Account the sum of \$4,000 to be expended by the Board of Selectmen for the continued support of the Merrimack Valley Regional Housing Consortium, or take any other action relative thereto.

Submitted by: Community Preservation Committee

The Finance Committee voted unanimously to recommend approval of article 20 on a motion by Member Times, second by Member Gabriel.

The Board of Selectmen voted unanimously to recommend approval of article 20 on a motion by Selectman O'Connor, second by Selectwoman Puleo.

Article 21. To see if the Town will vote to amend the Tyngsborough Zoning By-Law section 2.15.11.3 by deleting the following sentence:

In the case where no minimum yard requirements were in effect at the time the boundaries of such lot were defined, the minimum front yard shall be 20 feet and the minimum side and rear yards shall be 10 feet.

Or take any other action relative thereto.

Submitted by: Board of Selectmen

The Finance Committee takes no action on this article.

The Board of Selectmen voted to recommend approval of article 21 on a motion by Selectman O'Connor, second by Selectwoman Schnackertz.

The Planning Board will recommend Approval Disapproval Withdrawal on Town Meeting Floor (their hearing is October 6).